

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T-2003-0053
FOR

**RESCINDING NINE OBSOLETE RESOLUTIONS RELATED TO BASIN PLAN
IMPLEMENTATION (RESOLUTION NOS. 73-11, 81-3, 81-5, 81-6, 86-11, 6-88-102,
6-88-103, 6-93-08, and 6-97-7)**

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Regional Board) finds:

1. The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) was adopted in 1994 and took effect in 1995. Five groups of amendments to the Basin Plan have received all necessary approvals and taken effect between 1995 and 2003, and
2. The current Basin Plan replaced three earlier plans, the Regional Board's North and South Lahontan Basin Plans and the State Water Resources Control Board's *Lake Tahoe Basin Water Quality Plan*, and
3. The California Office of Administrative Law has directed Regional Boards to include copies of all Board orders and resolutions used to implement Basin Plans in the appendices to those plans, and
4. Regional Board staff identified nine resolutions that are not being used to implement the current Basin Plan, as amended. The following is a list of these resolutions with the reasons why their rescission is now appropriate.
 - a. Resolution No. 73-11, Delegating Certain Powers and Duties to the Executive Officer. This resolution has been superseded by Resolution Nos. 6-90-72 and 6-91-927. As discussed in Chapter 6 of the Basin Plan, Resolution No. 6-90-72 is a general delegation of authority to the Executive Officer, under the general direction and control of the Board, of all of the powers and duties of the Board under Water Code Division 7 except those specified in Section 13223(a). This section lists powers and duties that cannot be delegated. Resolution No. 6-91-927 delegates authority to the Executive Officer to approve closure plans for waste management units. Resolution No. 6-90-72 does not mention or rescind Resolution No. 73-11.
 - b. Resolution No. 81-3, Authorizing Waiver of Waste Discharge Requirements for New Development in the Lake Tahoe Basin When Reviewed and Permitted by Other Agencies. This resolution implements the State Water Resources Control Board's (State Board's) 1980 *Lake Tahoe Basin Water Quality Plan*. That plan

was rescinded in 1996 following final approval of the 1995 Basin Plan. (The 1995 plan includes all of the regulatory language from the earlier State Board plan, as amended.) Resolution 81-3 includes authority to waive projects approved by the California Tahoe Regional Planning Agency (CTRPA) and the Tahoe Regional Planning Agency (TRPA). The CTRPA was deactivated by the legislature in 1983. The Regional Board's current waivers for projects regulated by TRPA are contained in Resolution No. R6T-2003-0012.

- c. Resolution No. 81-5, Authorizing the Executive Officer to Approve Lake Shore, River Bank, and Stream Bank, Stabilization Projects in the Lake Tahoe and Truckee River Watersheds. This resolution implements the 1975 North Lahontan Basin Plan and the 1980 State Board *Lake Tahoe Basin Water Quality Plan*, both of which have been superseded by the 1995 Basin Plan. Resolution No. 81-5 authorizes the Executive Officer to approve certain types of erosion control projects by conditional waiver. This resolution was superseded by later delegations of authority, including Resolution No. 6-93-08, now also proposed for rescission. The Executive Officer's current authority to approve water quality improvement projects in the Lake Tahoe and Truckee River watersheds is set forth in Chapters 4 and 5 of the Basin Plan, in language that was added in amendments adopted in 2000 and effective in 2002.
- d. Resolution No. 81-6, Authorizing the Executive Officer to take Necessary Action for Performance of Remedial Erosion Control Work in the Lake Tahoe Basin. Resolution No. 81-6 references new (in 1981) language in Water Code Section 13304 allowing Regional Boards to perform cleanup and abatement work directly and seek reimbursement from responsible parties, and delegates authority to the Executive Officer to initiate such cleanup activities in the Lake Tahoe Basin. This resolution implements the 1975 *Water Quality Control Plan for the North Lahontan Region* and the State Board's 1980 *Lake Tahoe Basin Water Quality Plan*. Both of these plans were superseded by the 1995 Lahontan Basin Plan. Resolution No. 81-6 also references the use of State Assistance Program grant funds for Lake Tahoe Basin erosion control projects, which have been completely allocated since the resolution was adopted. The Regional Board's approach to erosion control in the Lake Tahoe Basin has changed in many respects since 1981, including (but not limited to) a variety of construction and stormwater NPDES permits, general waste discharge requirements, Memoranda of Understanding with TRPA and the U.S. Forest Service, the use of Administrative Civil Liability orders, and incorporation of the regulatory language in TRPA's 1988 *Water Quality Management Plan for the Lake Tahoe Region* into the Basin Plan. If Resolution No. 81-6 is rescinded, the Executive Officer will still have the authority to implement Water Code Section 13304 under Resolution No. 6-90-72.
- e. Resolution No. 86-11, Authorizing the Executive Officer to Pursue Water Quality Enforcement Through Administrative Civil Liability Pursuant to the Porter-Cologne Water Quality Control Act. This resolution was adopted shortly after the Porter-Cologne Act was amended to include the authority for administrative civil

liability (ACL) actions. The current California Water Code (Section 13323(a)) specifically allows Regional Board Executive Officers to issue ACL complaints, and the resolution is not needed to confer this authority. Resolution No. 6-90-72, a general delegation of authority to the Executive Officer, also supersedes Resolution No. 86-11.

- f. Resolution No. 6-88-102, Directing the Executive Officer to Enter into a Memorandum of Agreement with El Dorado County Environmental Health Department Regarding the Closure, Installation, Repair, and Soils Investigations Associated With Underground Storage Tanks in the Lake Tahoe Basin. Resolution Nos. 6-88-102 and 6-88-103, and the interagency agreements that they authorized, contained waivers that have since expired. The Board's current policy regarding waivers for underground storage tank activities in the Lake Tahoe Basin is contained in Resolution No. R6T-2003-0012. This resolution waives the filing of a Report of Waste Discharge and Waste Discharge Requirements for cleanup and remediation activities, not involving discharges subject to NPDES regulations, at contaminated ground water sites in the Lake Tahoe Basin, provided that responsible parties submit a project description, including an erosion control and soil stabilization report, to the Regional Board.
- g. Resolution No. 6-88-103, Directing the Executive Officer to Enter into a Memorandum of Agreement with Placer County Health Department Regarding the Closure, Installation, Repair, and Soils Investigations Associated with Underground Storage Tanks in the Lake Tahoe Basin. The rationale for rescission of this resolution is the same as that for Resolution No. 6-88-102, above.
- h. Resolution No. 6-93-08, Delegating Authority to the Executive Officer to Grant Exceptions to Basin Plan Prohibitions Regarding Discharges of Earthen Materials to Floodplains and Stream Environment Zones. This resolution references the North Lahontan Basin Plan and *Lake Tahoe Basin Water Quality Plan*, both of which were superseded by the 1995 Lahontan Basin Plan. The resolution allows the Executive Officer to grant exemptions to waste discharge prohibitions affecting 100-year floodplains and Stream Environment Zones in the Lake Tahoe and Truckee River watersheds, for projects of specific sizes. Such exemptions would otherwise require approval from the Regional Board. The language in Resolution No. 6-93-08 was updated (to allow the Executive Officer to approve exemptions for larger water quality improvement projects) and inserted into the Basin Plan in amendments effective in 2002.
- i. Resolution No. 6-97-7, Granting Exemptions to Waste Discharge Prohibitions (for surface waters, 100-year floodplain areas, and stream environment zones) Contained in the Water Quality Control Plan for the Lahontan Region for Flood-related Projects in the Truckee River, Little Truckee River and Lake Tahoe Hydrologic Units, Sierra, Nevada, Placer, and El Dorado Counties. Flooding in January 1997 caused extensive damage to streams and watersheds in the North

Lahontan Basin. This resolution granted exemptions to waste discharge prohibitions and waived the requirement to file a Report of Waste Discharge for specific types of flood-related projects, but provided that no exemption based on this resolution should be granted after October 15, 1997. Resolution No. 6-97-7 references Resolution No. 6-93-08; the latter is also proposed for rescission because it has been superseded by Basin Plan language effective in 2002. Any further remedial projects to address damage from the 1997 flood can be permitted through the procedures set forth in the Basin Plan.

THEREFORE BE IT RESOLVED that Resolutions No. 73-11, No. 81-3, No. 81-5, No. 81-6, No. 86-11, No. 6-88-102, No. 6-88-103, No. 6-93-108 and No. 6-97-7 are rescinded.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on October 8, 2003.

HAROLD J. SINGER
EXECUTIVE OFFICER

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